

U.S. Department of Education

**Staff Report
to the
Senior Department Official
on
Recognition Compliance Issues**

RECOMMENDATION PAGE

1. **Agency:** American Osteopathic Association (1952/2006)
(The dates provided are the date of initial listing as a recognized agency and the date of the agency's last grant of recognition.)
2. **Action Item:** Petition for Continued Recognition
3. **Current Scope of Recognition:** The accreditation and preaccreditation ("Provisional Accreditation") throughout the United States of freestanding, public and private non-profit institutions of osteopathic medicine and programs leading to the degree of Doctor of Osteopathy or Doctor of Osteopathic Medicine.
4. **Requested Scope of Recognition:** Same as above.
5. **Date of Advisory Committee Meeting:** June, 2011
6. **Staff Recommendation:** Renew the agency's recognition for a period of five years.
7. **Issues or Problems:** None.

EXECUTIVE SUMMARY

PART I: GENERAL INFORMATION ABOUT THE AGENCY

The Commission on Osteopathic College Accreditation (COCA) is a standing committee of the American Osteopathic Association (AOA). The COCA currently accredits 23 osteopathic colleges of medicine and provisionally accredits another six. Because these osteopathic medical education programs may be offered in either freestanding institutions offering only these programs or in larger institutions offering other educational programs, the agency is considered both an institutional and programmatic accreditor.

Of the 29 colleges of osteopathic medicine accredited or provisionally accredited by AOA COCA, three are located in freestanding institutions. For these institutions, AOA COCA accreditation is a required element in enabling them to establish eligibility to participate in Title IV, HEA programs.

Recognition History

The AOA COCA, as previously configured, was first recognized by the U.S. Commissioner of Education in 1952 and has received periodic renewal of recognition since then. The agency was last reviewed for continued recognition in 2005. In 2006 the Secretary granted continued recognition to the AOA COCA for a period of five years and granted it a waiver of the separate and independent requirements. At this time, the Secretary also required the AOA COCA to submit an interim report on outstanding issues which the Secretary accepted in 2007.

PART II: SUMMARY OF FINDINGS

The agency meets the requirements of the Secretary's Criteria for Recognition.

PART III: THIRD PARTY COMMENTS

Staff Analysis of 3rd Party Written Comments

There was one third-party written comment received in conjunction with AOA COCA's review for continued recognition.

The commenter alleges that when he was a student in a COCA-accredited institution, he filed a complaint with the COCA against the institution he attended regarding its change in graduation requirements, which he claims, prevented him from being awarded his degree. The commenter states that he enrolled in the Osteopathic Medicine program in 1998. He provided an excerpt from the institution's handbook which includes among its graduation requirements that a candidate, "have taken Levels 1 and 2 of the College of Osteopathic Medical Licensing Examination (COMLEX)." The commenter also provided the relevant COCA standards on which the institution's requirements were based which stated the COCA's requirement that students take and pass the COMLEX Level 1 prior to graduation. The standard also stated that students must take the Cognitive Evaluation (CE) and Performance Evaluation (PE) components of the COMLEX Level 2 prior to graduation. The commenter states that he completed his graduation requirements in accordance with both the institution's policies and these agency's standards, but that the institution changed its graduation requirement in 2005, when he applied for his degree, to require that students not only take, but pass Level 2 of the COMLEX Exam. The commenter alleges that he had completed all of the requirements for his degree which was withheld from him without cause. (COCA Standard 6.8.1 and Standard 6.7.2) The commenter alleges that the COCA refused to investigate his complaint against the institution.

The Department takes very seriously complaints it receives from its constituents. As a recognized accreditor, COCA is required to, "review in a timely, fair, and equitable manner any complaint it receives against an accredited institution or program that is related to the agency's standards or procedures." The agency is requested to address these allegations in its response to the draft staff report. Specifically, COCA must address the commenter's allegations that the agency did not respond to his complaint (602.23c) and address COCA's expectations regarding its application of its standards (Standard 6.8.1 and Standard 6.7.2.) specific to this situation and the commenter's allegations.

ANALYST'S COMMENTS TO AGENCY'S RESPONSE BELOW

The agency has provided a detailed response with supporting documentation that demonstrates that it resolved the commenter's complaint in accordance with its written policies and the Secretary's requirements under section 602.23(c).

The agency included as documentation, an appeals court decision overturning a district court finding for the plaintiff's civil suit against the institution, and subsequent dismissals by a district and an appellate court for the plaintiff's civil actions against the agency. The agency also provided correspondence from Department staff from April 2007 that demonstrates that staff did not find cause to investigate the commenter's previous complaint concerning the same issue. The Department considers the matter raised by the commenter closed.

Agency Response to 3rd Party Comments

In brief, the complainant, Dr. Massood Jallali (hereafter "the Complainant") attended an accredited college of osteopathic medicine (COM) – the Nova Southeastern University – College of Osteopathic Medicine. At the end of the first year of studies, his academic performance was found to not be acceptable for proceeding and graduating with the class in which he entered. He was allowed to continue as a student, but told that this normal graduation year would be one year later. At this same time, the COM had changed its graduation requirements to not only require taking nationally standardized examinations of the National Board of Osteopathic Medical Examiners, but also to passing the second parts of those examinations. Previously, students at this COM were only required to take the second part of the examinations. The additional requirement of passage of examinations was beyond the requirements of the AOA COCA at that time, but subsequently became a requirement of the AOA COCA.

The Complainant has maintained that he should have been held to the standards at the time of his initial admission. He further maintains that the AOA COCA is not uniformly enforcing its standards for accreditation by virtue of allowing a COM to have standards which exceeded those of the AOA COCA at the time. Significantly, the Complainant wrote to the U.S. Department of Education on January 26, 2007 regarding this allegation. The response letter from the U.S. Department of Education, Accreditation and State Liaison Division dated April 4, 2007 affirms the ability of an accredited program to have standards which exceed that of its accreditor: "While all accredited schools [COMs] must meet the standards established by the A.O.A.[AOA COCA], this does not preclude schools from establishing additional requirements provided they are no less rigorous than what the accrediting agency requires." (see USDE OPE letter dated April 4, 2007).

The Complainant has previously engaged the AOA COCA complaint process, which resulted in a finding that the complaint did not merit further investigation. The Complainant also filed a civil suit in the State of Florida courts against the college of osteopathic medicine (COM) in which he was enrolled. That civil suit was found for the plaintiff in the original trial court hearing, but overturned on appeal. The Complainant has also filed a civil suit in the State of Florida courts against the AOA.

The suit was dismissed by the trial court, with prejudice. Although the Complainant initially requested an appeal, the appellate court ultimately dismissed the appeal, with prejudice, due to the Complainant's failure to prosecute the appeal. Most recently, the Complainant filed a lawsuit against the AOA in the United States District Court for the Southern District of Florida related to the same events (1).

We find it curious that the letter of the U.S. Department of Education dated April 4, 2007 makes no reference to allegations of failure of the AOA COCA to evaluate the

complaint that was filed by the Complainant in November 2005.

Because of the amount of supporting documentation that we are providing, this statement will serve as a synopsis of our complete narrative response which is found in the document "Complaint Supplemental Narrative". That document makes reference to the complete complaint file for the Complainant (see "AOA COCA Complaint File_Dr. Jallali"), as well as findings of Courts of the State of Florida, and of the U.S. Department of Education regarding this matter.

(1) The Complainant also filed suit against the U.S. Department of Education and the National Board of Osteopathic Medical Examiners (which develops and administers the COMLEX) related to these same issues.